

REMARKS

Claims 1, 2, 4, 7, 8, 10-12, 14, 15, 17-20, 22, 24-27, and 29 are pending in the application. Claims 1, 11, and 19 are independent. Claims 1, 11, and 19 have been amended and claim 28 has been canceled. The Title has been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Objection to the Specification

In the Office Action, the Examiner objected to the Specification stating that the Title is not descriptive. By the foregoing Amendment, Applicants have amended the Specification to accommodate the Examiner. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the objections to the Specification.

Rejection of Claims 1-2, 4, 7-8, 10-12, 14-15, 17-20, 22, and 24-29 Under 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected claims 1-2, 4, 7-8, 10-12, 14-15, 17-20, 22, and 24-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,574,796 to Roeck et al. (hereinafter “Roeck”). A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)). Applicant respectfully traverses the rejection.

Representative claim 1 recites in pertinent part “temporarily modifying receiver parameters to demodulate the channel according to a second modulation technique that differs from the first modulation technique associated with the broadband cable signal, wherein temporarily modifying the receiver parameters comprises *modifying* receiver parameters to effect a low *signal to noise ratio* and a wide *auto-gain control loop bandwidth*” (emphasis added). Support for these changes can be found in claim 28, now canceled. Independent claims 11 and 19 recite similar elements. Applicant respectfully submits that Roeck fails to teach at least this element.

In the Office Action, the Examiner states with respect to claim 1 that Roeck teaches a data carrier detection system that tunes to a channel in a broadband cable signal in order to receive modem operating parameters, wherein the cable system is associated with a first modulation technique (QPSK), the system is able to reconfigure itself to detect and subsequently demodulate another modulation technique (QAM). The Examiner states further that the system in Roeck performs a channel sweep (sweep of carrier band) using the reconfigured modulation technique (sweeping while temporarily modified) and that once the data channel has been located, it is inherent that the channel be demodulated in order to receive the initial maintenance parameters (operating parameters), which will be used to update the operating of the cable modem. The Examiner states with respect to claim 28 that the system in Roeck is capable of effecting low SNR and control noise levels on the system (AGC is used to control noise levels and/or volume levels). Applicant respectfully disagrees with the Examiner.

Applicant respectfully submits that Roeck does not teach, and the Examiner does not assert that Roeck teaches *modifying receiver parameters to effect a* low signal to noise ratio and a *wide auto-gain control loop bandwidth*.” Roeck therefore does not teach the identical invention as claims 1, 11, and 19. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1, 11, and 19.

Claims 2, 4, 7-10, 12, 14, 15, 18, 20, 22, 24, and 25-29 properly depend from claims 1, 11, or 19, which Applicant respectfully submit are patentable. Accordingly, Applicant respectfully submits that claims 2, 4, 7-10, 12, 14, 15, 18, 20, 22, 24, and 25-29 are patentable for at least the same reasons that claims 1, 11, and 19 are patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-2, 4, 7-8, 10-12, 14-15, 17-20, 22, and 24-29.

CONCLUSION

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot, and that the application is in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,
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